In the High Court of Punjab and Haryana at Chandigarh

C.W.P.No.18062 of 2007
Date of decision: 4.12 2007

Devinder Kaur

---Petitioners
Vs.

State of Punjab and another.

---Respondents

Coram: **HON'BLE MR. JUSTICE M.M.KUMAR**
HON'BLE MR. JUSTICE RAJESH BINDAL

Present: Mr.Gurnam Singh. Advocate
for the petitioner.

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M.M.KUMAR J.

The prayer in this petition filed under Article 226 of the Constitution is for quashing order dated 3.10.2007 (P-10) terminating the services of the petitioner. Further prayer to direct the respondents to allow the petitioner to continue in service has also been made.

Mr. J.K.Sibal, learned Senior counsel for the similarly situated petitioners in CWP No.15620 of 2007 has submitted that this Court in CWP No. 1926 of 1997 titled as Usha Rani and others v. State of Punjab and others, decided on May 19, 2007 had passed the following order-

> *We have heard the learned counsel for the parties who are before us today.*
>
> *We find that in view of the very nature of the facts and the record and the questions raised in this bunch of petitioners and also arising out of the report of Sh. R.L.Kalsia, Director, Social Security Women and Child Development Punjab, Chandigarh, which has been submitted before us in Court it is not possible for us to examine inter se claim of the parties on account of seriously disputed questions of fact*

but as this matter has been pending in this court the motion stage since the year 1997, we deem it appropriate that either the State Government itself of through some Committee, should have the issues examined after hearing all those who are likely to be affected and after giving them an opportunity of filing objections against the report and to take a decision on the issues raised within 12 months from today.

Till the Government takes the decision. We direct that the interim orders granted in the present set of writ petitions shall continue to operate. We also permit all the parties in the writ petitions to file a fresh set of objections should they so desire within a period of one month from the date that a certified copy of this order is supplied to them.

The writ petitions are accordingly disposed of.

Copy of the order b e given dasti to the learned counsel for the parties.

Learned counsel submits that in pursuance to the aforementioned orders, a committee was constituted which has submitted its report on 27.2.2007. As per the report, now the petitioner has been issued show cause notices (Annexure P-10). The report of the Committee constituted by the State Government has been supplied to the petitioner, The petitioner has filed objections /representation to the said report of the Committee.

Learned counsel for the petitioner submits that this Court vide order dated 11.10.2007 passed in C.W.P. No. 17636 of 2007 has directed

the respondents to decide the representations, so filed by the petitioners in that case, within two weeks from the date of filing of the same. He further submits that petitioner in the present case has been supplied copy of the report dated 27.2.2007 on 20.10.2007. The petitioner has filed reply to the show cause notice dated 14.9.2007 on 17.11.2007 which is still pending consideration.

Notice of motion.

Mr. Amol Rattan Singh, Addl. Advocate General, who is present in the Court, accepts notice, on the asking of the Court. A copy of the writ petition has been handed over to him. With the consent of the parties the matter has been taken up for final disposal.

After hearing learned counsel for the petitioner, the respondents are directed to take a decision on the representation/objections dated 17.11.2007 filed by the petitioner by passing a speaking order within a period of two months from the date of receipt of a certified copy of this order There was no room for passing order of termination till the final decision was taken. Accordingly, orders dated 3.10.2007(P-10) is quashed. Consequently, the petitioner shall continue in service.

Petition stands disposed of in the above terms.

A copy of this order be given dasti on payment of usual charges.

(M.M.KUMAR)
JUDGE

(RAJESH BINDAL)
JUDGE

DECEMBER 4, 2007
paramjit